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RE: TMDL for Chesapeake(Doc ID EPA-R03-0W-2010-0736-0001, additional comments

Please review the information below and answer or respond to the following comments:

1. Why is it that the TMDL is not based on equal treatment of all sectors? The EPA is forcing all Sewage Treatment Plants to go to "limit of technology". Why was this same concept not used for the other major source, namely agriculture, where every states agriculture should be reduced to either the limit of technology but at least each states agriculture should be reduced to get same delivered load, not a percent. If all States were required to have similar allowable loads from their various sectors, the states would have to reduce their loads to NY's level to meet the TMDL (see graph).
2. Why is delivered load used instead of generated load, that is, the load each state actually generates? For every 100 pounds of N in NY, according it the model only 40 pounds is delivered, in MD it is almost 100. Currently very state must do the same percent reduction, thus NY must spend 2.5 times the cost of a pound reduction versus MD. Is to using delivered load not as fair as generated. To say the states voted to use delivered loads and percent reductions is capricious, as it does not treat all states the in the same manner (not allowing for a very real reduction that is occurring)
3. Why does NY not get credit for its in-stream nutrient loss nutrient loss? Why must a natural reduction not be taken into account, which is precluded by using "delivered load" instead of generated load?
4. Why must the TMDL be based on a model estimate rather than based on actual water measurements at the various EPA CB monitoring stations? Why can't a state opt to be tracked by true water quality rather than a model estimate?
5. A USGS analysis shows N needs to be 1.1mg/l in the Bay to met federal standards. NY water is that at present. Why is NY being told to reduce its load further?

Other questions:

1. NY farmers are required to install practices to reduce nutrients. If they rip out a riparian buffer the load for NY goes up because the buffer is no longer filtering the water, Why is MD not given a lower load allocation to take into account all of the oysters removed which act as filters in the same way a riparian buffer does? There is very good scientific data on the amount of filtering and there is very good data on the amount of oysters removed. Why is MD and VA not made to make up for this practice? This also apples to menhaden, which recent studies show there is some filtering.

2. I the Susquehanna River if one dos not include forest, which are basically not anthropogenic loads, why is NY percent reduction greater than MD?

Delivered and Edge of stream pounds of Nitrogen from the CBP 2009 AA 7 July 2010 Model run:

NY Agriculture : 4,114,113 pounds,	835,421 acres = 4.9 lbs/acre (10.0 EOS)
WV Agriculture: 2,815,071 pounds,	450,682 acres = 6.2 lbs/acre (24.2 EOS)
VA Agriculture: 21,564,416 pounds,	2,817,228 acres = 7.7 lbs/acre (18.0 EOS)
MD Agriculture: 17,828,654 pounds,	1,487,377 acres = 12.0 lbs/acre (12.7 EOS)
DE Agriculture: 3,212,641 pounds,	204,390 acres = 15.7 lbs/acre (15.9 EOS)
PA Agriculture: 59,832,890 pounds,	3,226,985 acres = 21.2 lbs/acre (30.8 EOS)

EOS = Edge of Stream

"Waters that contribute the most to the problem should achieve the most reductions" -

CBP December 2009